

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JANE C. BECKER and
THOMAS M. BECKER,

Plaintiffs,

v.

ORDER
10-CV-792

RICHARD A. LINDBLOM,

Defendant.

This case was referred to Magistrate Judge Jeremiah J. McCarthy, pursuant to 28 U.S.C. § 636(b)(1), on October 13, 2010. On October 19, 2010, plaintiffs filed a motion for to remand and an award of costs and attorneys' fees. On November 18, 2010, Magistrate Judge McCarthy filed a Report and Recommendation, recommending that the motion be denied. Plaintiff filed objections to the Report and Recommendation on December 6, 2010. Oral argument on the objections was held on January 25, 2011.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions and hearing argument from the parties, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge McCarthy's Report and Recommendation, the motion is denied.

The case is referred back to Magistrate Judge McCarthy for further proceedings.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: January 31 , 2011